§362(b)(22) Exception to Automatic Stay

Start

New Case Filed

Are there any eviction, unlawful detainer action or other similar proceedings by lessor against the debtor involving the debtor's residence ?

Yes

Did debtor file certification with the petition that
(1) debtor is permitted to cure the default under relevant law **and**
(2) debtor deposited with the Clerk the amount becoming due within 30 days of filing?

(See page 2 of petition)

Was judgment entered before the petition was filed?

Yes

No

Automatic Stay applies

Stay effective for 30 days after filing of petition

Yes No

Clerk must serve on the landlord and the debtor a certified copy of the docket indicating the absence of a filed certification.

No stay applies. Lessor may proceed immediately to recover possession of Property.

No

Clerk shall promptly transmit rent deposited to lessor

Within the 30 day period, did debtor file a certification indicating the entire default had been cured?

No

Yes

Clerk immediately serves order. No stay applies. Lessor may proceed immediately to recover possession of property.

Did Lessor file objection to any certification?

Yes

Set for hearing within 10 days

Court upholds lessor's objection?

Yes

No

Stay remains in effect for original 30 day time period

End

No